

<p style="text-align: right;">374</p> <p>1 unintentional.</p> <p>2 Q. But you did record it,</p> <p>3 didn't you?</p> <p>4 A. If you're going to ask me in</p> <p>5 that manner, I would have to say yes.</p> <p>6 Q. Thank you.</p> <p>7 From your standpoint, is it</p> <p>8 reasonable for Linda Myers, then, to say</p> <p>9 that there were tape recording</p> <p>10 conversations in the Lowe's store?</p> <p>11 A. Not necessarily.</p> <p>12 Q. No? But you had, in fact,</p> <p>13 recorded them, or at least recorded a</p> <p>14 conversation?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay.</p> <p>17 - - -</p> <p>18 (Whereupon, Exhibit 8 was</p> <p>19 marked for identification.)</p> <p>20 - - -</p> <p>21 BY MR. LEAHY:</p> <p>22 Q. Mr. Hanson, I'm showing you</p> <p>23 now what we have marked as Exhibit 8. It</p> <p>24 is a policy from Lowe's Human Resources</p>	<p style="text-align: right;">376</p> <p>1 Lowe's, as you can read there, prohibits</p> <p>2 employees from doing that kind of stuff</p> <p>3 and --</p> <p>4 Were you actually using a</p> <p>5 recording device on Lowe's property?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. I would like you to</p> <p>8 look down at letter D. Do you see where</p> <p>9 it says no employee or other individual</p> <p>10 may openly or secretly tape or otherwise</p> <p>11 record or videotape any conversation,</p> <p>12 communication, activity, or event that in</p> <p>13 any way involves the company, the</p> <p>14 employees of the company, any of the</p> <p>15 company's subsidiaries or affiliates, any</p> <p>16 customers or clients, or any other</p> <p>17 individual with whom the company is doing</p> <p>18 business or intending to do business in</p> <p>19 any capacity.</p> <p>20 Do you see that one?</p> <p>21 A. Yes, sir.</p> <p>22 Q. What you were doing with</p> <p>23 that tape violated that, didn't it?</p> <p>24 MR. PRIMOS: Objection to</p>
<p style="text-align: right;">375</p> <p>1 Management Guide entitled Prohibition Of</p> <p>2 Recording Equipment Use.</p> <p>3 Have you ever seen this</p> <p>4 policy before?</p> <p>5 A. No, sir.</p> <p>6 Q. Okay. Were you aware that</p> <p>7 Lowe's maintained a policy with this</p> <p>8 title?</p> <p>9 A. No, sir.</p> <p>10 Q. Okay. I would like to run</p> <p>11 through a little bit of the policy with</p> <p>12 you and, if you would, look -- actually,</p> <p>13 would you like to take a minute and read</p> <p>14 it to yourself?</p> <p>15 A. You can highlight what you</p> <p>16 want to say.</p> <p>17 Q. That's fine.</p> <p>18 Let's look at paragraph B.</p> <p>19 Do you see where it says, consequently,</p> <p>20 Lowe's prohibits employees from using any</p> <p>21 recording device on company property,</p> <p>22 including audio, video and still</p> <p>23 photography.</p> <p>24 So under this policy,</p>	<p style="text-align: right;">377</p> <p>1 the form.</p> <p>2 MR. LEAHY: You can answer.</p> <p>3 MR. PRIMOS: You can answer.</p> <p>4 THE WITNESS: According to</p> <p>5 this, correct.</p> <p>6 MR. LEAHY: Why don't we</p> <p>7 take a break now.</p> <p>8 MR. PRIMOS: That's fine.</p> <p>9 - - -</p> <p>10 (Whereupon, there was a</p> <p>11 recess held at this time, 4:47 to</p> <p>12 4:58 p.m.)</p> <p>13 - - -</p> <p>14 (Whereupon, Exhibit 9 was</p> <p>15 marked for identification.)</p> <p>16 - - -</p> <p>17 BY MR. LEAHY:</p> <p>18 Q. Mr. Hanson, I'm showing you</p> <p>19 now what we have marked as Exhibit Number</p> <p>20 9. Have you seen this document before?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Can you tell me what it is?</p> <p>23 A. The documentation for my</p> <p>24 tenure with Ideal Merchandising.</p>

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1 Q. Is this something that you
2 prepared yourself?
3 A. Yes, sir.
4 Q. When did you prepare this
5 document?
6 A. Uhm, basically the -- that
7 first week that I started to have
8 problems working at the Lowe's in Dover
9 store.
10 Q. Okay. Would that be --
11 looking at the second page of it, would
12 that be the earliest entry
13 chronologically is October 6th, 2003?
14 A. Yes, sir.
15 Q. Is that when you started
16 preparing this?
17 A. The first week, so it's
18 between the 6th and the 11th.
19 Q. Okay. And I assume then
20 that you updated the document later?
21 A. Yes, sir.
22 Q. Okay. So when did you
23 update it? How frequently would you do
24 that?

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1 A. Any time there was a
2 problem, I would do it that day, so I
3 would say after October 11th was --
4 everything was -- I updated it that day.
5 Q. Okay. How about the portion
6 in italics at the bottom of the second
7 page --
8 A. Yes, sir.
9 Q. -- when did you put that in?
10 A. That was when I was
11 terminated.
12 Q. Okay. So you put that in at
13 the end?
14 A. Yes, sir.
15 Q. Okay. Is that the last
16 thing that you added to this document?
17 A. Yes, sir.
18 Q. I'd like to take a look at
19 it, and I think earlier you had said that
20 you reviewed a two-page document to get
21 ready for your deposition?
22 A. Right.
23 Q. Is this the document that
24 you were referring to?

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1 A. I couldn't even find this.
2 It was a -- what the lawyers had prepped
3 for me.
4 Q. Well, I don't want to know
5 what the lawyers sent you. Is there
6 anything else that you looked at to get
7 ready for your deposition?
8 A. That was it.
9 Q. Okay. So the only thing you
10 looked at to get ready for your
11 deposition, and I have to say I assumed
12 it was this document, it was not, it was
13 something that your attorneys gave you?
14 A. Correct.
15 Q. Okay. I would like to walk
16 through some of these because I think you
17 have addressed all of these with me, but
18 I just want to make sure of that. Okay?
19 A. Yes, sir.
20 Q. I only ask you that because
21 when you nod your head that can't go into
22 the record and I want to make sure that
23 you say something that does go into the
24 record.

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1 A. Yes, sir.
2 Q. The first one is October
3 6th, 2003, and it talks about what I take
4 to be the incident with you not having
5 your vest; is that correct?
6 A. Correct.
7 Q. I think you said that you
8 had lost -- that Jeremy Leaman had given
9 you two vests; correct?
10 A. Correct.
11 Q. And you had lost one of
12 them?
13 A. In Middletown.
14 Q. Okay. But I thought you had
15 said your first day for Ideal you worked
16 at Dover?
17 A. I did.
18 Q. Okay. How would you have
19 lost one at Middletown already then?
20 A. He gave me the vest in
21 Middletown, both of them.
22 Q. When did he give you the
23 vests?
24 A. That probably was like

<p style="text-align: right;">382</p> <p>1 October 3rd, October -- it was like maybe 2 a week before this. I already had the 3 vendor vest. 4 Q. So it was before you started 5 actually working? 6 A. Exactly. 7 Q. Okay. So you have already 8 told me about this incident then? 9 A. Yes, sir. 10 Q. Okay. October 11th, it 11 talks about what sounds like the issue 12 with billing out paint for the beams; is 13 that correct? 14 A. Yes, sir. 15 Q. Okay. You told me about 16 that incident? 17 A. Yes. 18 Q. On the next page, it says 19 November 3, 2003, Yvette walks by while I 20 was working and states, how long have you 21 been doing this, everything looks like 22 shit. Now, you told me about that one, 23 haven't you? 24 A. Yes, sir.</p>	<p style="text-align: right;">384</p> <p>1 car? 2 A. I was. 3 Q. Why does it not say that 4 here if you, as you have just testified, 5 typed this up on the night that it 6 happened? 7 A. Because I didn't type 8 everything on here. It's a clerical 9 error. I made a mistake. And I will 10 pinpoint the mistake I made, uhm, that 11 this was outside the store and that she 12 did tell me to go to my car, but also did 13 yell and point to leave immediately, not 14 to say verbatim -- I'm sorry, to say 15 verbatim leave me and go to your car, I 16 can't say that, but she said a lot of 17 things and I was just trying to highlight 18 exactly what she said, but she did tell 19 me to go to my car, and just I didn't 20 document it on the November 20th one. 21 Q. Okay. But you were outside 22 the -- standing outside the door to the 23 store, was it? 24 A. I'm sorry, yes, sir.</p>
<p style="text-align: right;">383</p> <p>1 Q. The next one is November 20, 2 2003, and this sounds like the incident 3 with the coffee; is that correct? 4 A. Yes, sir. 5 Q. Now, clarify something for 6 me here. It says, Yvette made an 7 unnecessary scene in front of employees 8 and customers towards myself in having a 9 12-ounce coffee in the store. 10 Were you in the store with 11 the coffee? 12 A. That's a clerical error. I 13 was outside the store. 14 Q. And it says you need to get 15 out of this store now. No -- no coffee 16 allowed, get out. 17 A. Yes, sir. 18 Q. Okay. Yvette was yelling 19 and pointing at me to leave immediately? 20 A. Correct. 21 Q. I'm a little confused, only 22 because I thought you made it very clear 23 earlier that you were already out and 24 that she said you need to get to your</p>	<p style="text-align: right;">385</p> <p>1 Q. And just so I'm clear, in a 2 Lowe's store typically there's the 3 entrance and exit and then there's an 4 area, kind of an apron, for lack of a 5 better word, outside of the store; is 6 that right? 7 A. Yes, sir. 8 Q. And there's shopping carts 9 along that area? 10 A. Correct. 11 Q. Is that where you were 12 standing? 13 A. No, I was outside of that. 14 Q. So would that be in the 15 actual driveway of the store? 16 A. Uhm, the concrete portion 17 where just about -- just about you 18 getting inside to the Lowe's. 19 Q. Is that -- the concrete 20 portion, is that where the carts are, 21 shopping carts? 22 A. Actually, it's what you were 23 talking about, the apron portion, that's 24 actually kind of inside. The concrete</p>

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1 portion was inside of that.
 2 Q. Are they actually inside of
 3 the doors of the store, the carts?
 4 A. Yeah, they are actually
 5 inside the doors.
 6 Q. So you're standing on the
 7 concrete portion that's outside the
 8 doors?
 9 A. Just outside.
 10 Q. I understand.
 11 Okay. The next one is
 12 December 2nd, 2003. Is this the incident
 13 where you were, was it, standing at the
 14 desk in electrical and she said, are you
 15 going to get any work done today, boy,
 16 yeah, that's right, I'm talking to you
 17 boy?
 18 A. That's correct.
 19 Q. That's the one you have
 20 already told me about?
 21 A. Yes, sir.
 22 Q. Okay. Next one, December
 23 3rd, 2003, called Mr. Leaman on December
 24 2, encounter with Yvette, and is that the

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1 conversation that you told us about
 2 earlier?
 3 A. Yes, sir.
 4 Q. And that was following your
 5 call to the customer care line with
 6 Lowe's?
 7 A. Correct.
 8 Q. Okay. The next one is
 9 December 5th, 2003, and I think you have
 10 testified about this one a little bit
 11 already. Mr. Leaman called my cell phone
 12 and stated that Yvette had called and
 13 denies ever calling me boy.
 14 Is that -- you have already
 15 told us about that, haven't you?
 16 A. Correct.
 17 Q. Okay. Now, the next one is
 18 January 22nd, 2004. Buck was recently
 19 hired as an electrical specialist. Buck
 20 received a call on his store phone by
 21 someone in the store checking up on me.
 22 Now, you have told me about
 23 that, too, haven't you?
 24 A. Yes, sir.

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1 Q. Is that the one that you
 2 suspect was Linda Myers checking up on
 3 you?
 4 A. Yes.
 5 Q. The next one, January 25th,
 6 2004, and is that when you were
 7 terminated?
 8 A. Yes, sir.
 9 Q. Okay. Talk to me about
 10 March 3rd, 2004. What happened there?
 11 A. Let me --
 12 Can I read this for a
 13 minute?
 14 Q. Yeah, go ahead.
 15 A. Thanks.
 16 Q. Are you ready, Mr. Hanson?
 17 A. Yes, sir.
 18 Q. Tell me what happened on
 19 March 3rd, 2004.
 20 A. I never, uhm, disclosed with
 21 Steve or Jeff about the termination and
 22 they told me they found out from Carlos.
 23 Q. Okay. What did they tell
 24 you they had found out from Carlos?

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1 A. Basically that Carlos was
 2 basically bragging about getting me
 3 terminated at Lowe's.
 4 Q. Did they tell you what
 5 Carlos had said to them?
 6 A. Basically that he got -- he
 7 got, uhm, a taped recording and that he
 8 used that to give to Linda to get me
 9 terminated.
 10 Q. Okay. And was that true, as
 11 far as you know?
 12 A. That's hearsay from both
 13 Steve and Jeff. Going back to what I
 14 said, all I know is what Linda told my
 15 boss, Jeremy Leaman, and what Jeremy told
 16 me, because I was -- that was a
 17 termination based on the tape recorder.
 18 Q. Steve Fowler, at this point
 19 in time, and I thought you said Fowler
 20 earlier?
 21 A. I did.
 22 Q. Do you remember which it
 23 was?
 24 A. It was this one. That's --

WILLIAM HANSON,

<p style="text-align: right;">390</p> <p>1 when I said it, I wasn't certain about</p> <p>2 the last name, but it's not Fowler, it is</p> <p>3 Folder, that's correct.</p> <p>4 Q. Okay. So Steve Folder, what</p> <p>5 was his job at Lowe's?</p> <p>6 A. He was a plumbing specialist</p> <p>7 at the time.</p> <p>8 Q. Does he still work at</p> <p>9 Lowe's?</p> <p>10 A. No, sir.</p> <p>11 Q. Now I'm going to ask you</p> <p>12 something else, because in the last</p> <p>13 sentence of that entry you have there it</p> <p>14 says, as new vendors, Folder and Ramirez</p> <p>15 are both experiencing similar</p> <p>16 discriminations with the store</p> <p>17 management.</p> <p>18 A. Yes, sir.</p> <p>19 Q. At the time you had this</p> <p>20 conversation with him, was he still</p> <p>21 working for Lowe's?</p> <p>22 A. No, sir, he was working as a</p> <p>23 vendor at Lowe's, like I was doing.</p> <p>24 Q. How about Jeff Ramirez, what</p>	<p style="text-align: right;">392</p> <p>1 Linda told Jeremy I was terminated</p> <p>2 because of recorded conversations and</p> <p>3 Carlos -- I gave Carlos the tape, so,</p> <p>4 therefore, Carlos gave Linda the tape.</p> <p>5 Q. Okay. Now, tell me a little</p> <p>6 bit about this. It says, as new vendors,</p> <p>7 Folder and Ramirez are both experiencing</p> <p>8 similar discriminations with the store</p> <p>9 management. What was going on with</p> <p>10 Mr. Folder and Mr. Ramirez?</p> <p>11 A. Yvette was basically doing</p> <p>12 the same thing to them that she did to</p> <p>13 me, and that's micromanaging their work,</p> <p>14 and as vendors, that usually typically</p> <p>15 doesn't happen at the Lowe's store, so</p> <p>16 she basically was treating them as if</p> <p>17 they were Lowe's employees, except</p> <p>18 treating them worse.</p> <p>19 Q. Treating them the same way</p> <p>20 she treated you?</p> <p>21 A. Correct.</p> <p>22 Q. What was Mr. Folder's race</p> <p>23 again?</p> <p>24 A. As I said, I was unsure. He</p>
<p style="text-align: right;">391</p> <p>1 was his job at Lowe's?</p> <p>2 A. Amazingly, working as a</p> <p>3 vendor at the Lowe's just like I was</p> <p>4 doing.</p> <p>5 Q. What did Mr. Ramirez do when</p> <p>6 he worked at Lowe's?</p> <p>7 A. Same as Folder, plumbing</p> <p>8 specialist.</p> <p>9 Actually, let me correct</p> <p>10 myself. Ramirez was actual -- actually</p> <p>11 the department manager of plumbing.</p> <p>12 Q. And, I apologize, because I</p> <p>13 think you have told me already, but they</p> <p>14 said to you that Carlos said he had given</p> <p>15 a tape to Linda and gotten you fired?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. Now, as far as you</p> <p>18 know, had Carlos given a tape to Linda?</p> <p>19 A. The only -- like I said,</p> <p>20 it's hearsay. I -- based on what Steve</p> <p>21 and Jeff told me, that's what I know, but</p> <p>22 knowing that I am the one that gave</p> <p>23 Carlos the tape, I have no reason to</p> <p>24 believe that he didn't do it because</p>	<p style="text-align: right;">393</p> <p>1 looks Caucasian, but I was not sure if he</p> <p>2 was of European descent or not.</p> <p>3 Q. How about Mr. Ramirez?</p> <p>4 A. He's Hispanic origin.</p> <p>5 Q. So neither of them was</p> <p>6 Asian?</p> <p>7 A. Correct.</p> <p>8 Q. I would like you to turn to</p> <p>9 the next page, the second page there.</p> <p>10 A. Sure.</p> <p>11 Q. The part you have in italics</p> <p>12 at the end --</p> <p>13 A. Yes.</p> <p>14 Q. -- and the first paragraph</p> <p>15 starts Linda Myers. Do you see that one?</p> <p>16 A. Yes.</p> <p>17 Q. In the next paragraph it</p> <p>18 starts with, I was previously employed.</p> <p>19 A. Yes.</p> <p>20 Q. Do you see that?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Then it looks like it starts</p> <p>23 another paragraph with the words any</p> <p>24 other vendor. Do you see where I am</p>

<p style="text-align: right;">394</p> <p>1 talking about?</p> <p>2 A. Yes.</p> <p>3 Q. It says, any other vendor</p> <p>4 would have not been treated the way I was</p> <p>5 and in the number 587 store, especially</p> <p>6 for carrying a tape recorder.</p> <p>7 How do you know that?</p> <p>8 A. Because I -- I carry a tape</p> <p>9 recorder up in Middletown. I even used</p> <p>10 it when I was with Spectrum Brands, the</p> <p>11 vending before, and this is the first</p> <p>12 time I heard anything of it. I have</p> <p>13 never seen this document. No one ever --</p> <p>14 MR. PRIMOS: Just for the</p> <p>15 record, this document is Hanson</p> <p>16 Exhibit Number 8.</p> <p>17 THE WITNESS: Yes. And,</p> <p>18 uhm, that's why I never thought</p> <p>19 anything of it.</p> <p>20 Of course -- I mean, of</p> <p>21 course just common sense, I hate</p> <p>22 to use those kind of words, but of</p> <p>23 course if I need it, I'm not -- I</p> <p>24 am not going to do something that</p>	<p style="text-align: right;">396</p> <p>1 A. Yes, sir.</p> <p>2 Q. Why was that nepotism?</p> <p>3 A. I use that word because --</p> <p>4 maybe -- maybe that's a strong word to</p> <p>5 use, to be honest with you. Uhm, I mean,</p> <p>6 I just felt that they had worked in the</p> <p>7 Louisiana store and outside of the</p> <p>8 Louisiana store they were best friends,</p> <p>9 that I just felt that it was kind of just</p> <p>10 like a big brother, uhm, program, per se,</p> <p>11 that I had it the worst of anyone because</p> <p>12 I -- Linda Myers at the time was my</p> <p>13 department manager and yet her friend,</p> <p>14 best friend, is the store manager, and</p> <p>15 they both had it out for me when I was at</p> <p>16 Lowe's, so to go into Ideal Merchandising</p> <p>17 fast-forwarding several years later and</p> <p>18 to get into the position, right into it,</p> <p>19 right after her -- right after her son</p> <p>20 just recently got terminated, didn't make</p> <p>21 the situation any better.</p> <p>22 So to answer your question,</p> <p>23 engaged in nepotism by recruiting Linda</p> <p>24 Myers, I just felt that -- uhm, like I</p>
<p style="text-align: right;">395</p> <p>1 would get me terminated?</p> <p>2 Otherwise, why else would I</p> <p>3 volunteer to speak to Carlos with</p> <p>4 the tape recorder in my hand and</p> <p>5 then also give him the tape and</p> <p>6 tell him to take it.</p> <p>7 Why else would I have --</p> <p>8 every time before it have the tape</p> <p>9 recorder because I didn't know</p> <p>10 nothing of it. I -- this is all</p> <p>11 new to me and, of course, if I</p> <p>12 knew any of this, I never would</p> <p>13 have had the tape recorder at all.</p> <p>14 BY MR. LEAHY:</p> <p>15 Q. Looking also in the</p> <p>16 italics -- actually, I would like to take</p> <p>17 you up to the first paragraph there that</p> <p>18 says Linda Myers called Leaman.</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. It says, Yvette</p> <p>21 Schreiber -- the last sentence of that</p> <p>22 paragraph says, Yvette engaged in</p> <p>23 nepotism by recruiting Linda Myers to the</p> <p>24 587 store as assistant manager.</p>	<p style="text-align: right;">397</p> <p>1 said, it's a strong word to use, but for</p> <p>2 me to have put that there, I put that</p> <p>3 strong word there because I just felt</p> <p>4 that that just -- I mean, you shouldn't</p> <p>5 get treated any differently from any</p> <p>6 other person, whether you're an employee</p> <p>7 or a vendor, but I felt that with Linda</p> <p>8 coming from the same store and they are</p> <p>9 friends outside of Lowe's, that it's hard</p> <p>10 for them not to treat anybody</p> <p>11 indifferently and they will treat</p> <p>12 somebody differently, and I thought I was</p> <p>13 the person treated differently in both</p> <p>14 cases as a vendor and as a Lowe's</p> <p>15 employee. That's why I use the word</p> <p>16 nepotism.</p> <p>17 Q. Did you ever talk to the</p> <p>18 other employees at Lowe's about the fact</p> <p>19 that you didn't like Linda and Yvette?</p> <p>20 A. I have -- to answer your</p> <p>21 question, I have addressed my -- my</p> <p>22 unhappiness with the way that I was</p> <p>23 getting treated by Yvette and Linda, but</p> <p>24 I never said any derogatory remarks about</p>

<p style="text-align: right;">398</p> <p>1 Yvette and Linda, just the fact that I</p> <p>2 didn't think they should treat me the way</p> <p>3 they did and it was -- it just was very</p> <p>4 unprofessional.</p> <p>5 Q. You never made any</p> <p>6 derogatory remarks about either one of</p> <p>7 them?</p> <p>8 A. No, sir.</p> <p>9 Q. Okay. Looking down the</p> <p>10 second to the last -- I'm sorry, the last</p> <p>11 paragraph there, the one that starts with</p> <p>12 from day one.</p> <p>13 A. Yes, sir.</p> <p>14 Q. Okay. Looking at the last</p> <p>15 sentence, it says, tape recorder was used</p> <p>16 for note-taking purposes for work. We</p> <p>17 already discussed that, right?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. And then it says in</p> <p>20 the sentence right before that, Linda</p> <p>21 falsely accused me of recording a</p> <p>22 conversation?</p> <p>23 A. Yes, sir.</p> <p>24 Q. But we have already</p>	<p style="text-align: right;">400</p> <p>1 would like you to take two</p> <p>2 exhibits, so I will do my best to</p> <p>3 move this along as fast as we can,</p> <p>4 so take the complaint, which is</p> <p>5 Exhibit 3, and your Answers to</p> <p>6 Interrogatories, which is Exhibit</p> <p>7 Number 5, and I would like you to</p> <p>8 turn to in the complaint to</p> <p>9 paragraph 26.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. LEAHY:</p> <p>12 Q. While you're at it, take the</p> <p>13 interrogatory responses and turn to</p> <p>14 number 5.</p> <p>15 A. (Witness complies with</p> <p>16 request.)</p> <p>17 Yes.</p> <p>18 Q. Okay? Now, let me just read</p> <p>19 paragraph 26 so we are all on the same</p> <p>20 page. Paragraph 26 says, agents of</p> <p>21 defendant Lowe's have made false oral</p> <p>22 statements regarding plaintiff as</p> <p>23 referenced herein above. Okay?</p> <p>24 Do you see where I read</p>
<p style="text-align: right;">399</p> <p>1 discussed that you did record that one</p> <p>2 conversation, didn't you?</p> <p>3 A. Can I add a footnote to</p> <p>4 that?</p> <p>5 Q. Sure.</p> <p>6 A. The answer to the question</p> <p>7 is yes, but I appreciate you adding me</p> <p>8 the footnote, and the footnote to that is</p> <p>9 that was unintentional. I didn't even</p> <p>10 know that I had it recording. That was</p> <p>11 from what I was doing testing 1, 2, 3</p> <p>12 that it was still recording and I had no</p> <p>13 intent to record any of that, and I had</p> <p>14 the tape recorder in my hand the whole</p> <p>15 time.</p> <p>16 Q. Okay. Okay. Okay.</p> <p>17 MR. LEAHY: Let's go off the</p> <p>18 record for a second.</p> <p>19 - - -</p> <p>20 (Whereupon, there was a</p> <p>21 discussion held off the record at</p> <p>22 this time.)</p> <p>23 - - -</p> <p>24 MR. LEAHY: Mr. Hanson, I</p>	<p style="text-align: right;">401</p> <p>1 that?</p> <p>2 A. Yes.</p> <p>3 Q. And then I asked you in</p> <p>4 interrogatory 5 to identify them. Okay?</p> <p>5 A. Yes.</p> <p>6 Q. And then the response is the</p> <p>7 conversation that I think you have</p> <p>8 already told me about involving Steve</p> <p>9 Folder and Jeff Ramirez; is that correct?</p> <p>10 A. Right.</p> <p>11 Q. And it was the incident</p> <p>12 involving Carlos Vazquez making</p> <p>13 statements to them regarding your</p> <p>14 termination?</p> <p>15 A. Yes.</p> <p>16 Q. And the statement that you</p> <p>17 said regarding the termination was that</p> <p>18 he had given -- and please correct me if</p> <p>19 I'm wrong here, but that he had given</p> <p>20 Linda a tape and the tape got you</p> <p>21 terminated?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. Anything else then?</p> <p>24 Any other false oral statements regarding</p>

402

1 the plaintiff that you're talking about
 2 in this paragraph beyond that?
 3 A. As far as statements, no, it
 4 would be just Carlos, Steve and Jeff.
 5 Q. Okay. And this conversation
 6 that Carlos had with Steve and Jeff, did
 7 you understand where it happened or when
 8 it happened?
 9 A. No, sir.
 10 Q. Okay. You didn't know
 11 whether it happened at work, at home,
 12 anything like that?
 13 A. Correct.
 14 Q. You don't -- correct, that
 15 you don't know?
 16 A. Correct, I don't know.
 17 Q. Okay. I want to talk to you
 18 a little bit about after you left Ideal
 19 after your termination. To help you out,
 20 why don't you turn to interrogatory
 21 number 9 in exhibit -- you had it right
 22 there, the other one.
 23 A. Yes, sir.
 24 Q. Okay. In number 9 I asked

403

1 you to identify the employer for each and
 2 every job that you have applied, sought
 3 or held since you left Ideal.
 4 A. Yes, sir.
 5 Q. And you have a list on the
 6 following page. Are those all of the
 7 jobs that you attempted to get in the
 8 time after you were terminated from
 9 Ideal?
 10 A. Yes, sir.
 11 Q. There's no others other than
 12 that?
 13 A. Correct.
 14 Q. And the last one listed
 15 there is letter L. It's the position as
 16 a branch manager with Labor Ready?
 17 A. Correct.
 18 Q. Is that where you currently
 19 work?
 20 A. Yes, sir.
 21 Q. It says beginning in
 22 September of 2004 your salary was
 23 \$36,000?
 24 A. Yes, sir.

404

1 Q. And what's your salary now?
 2 A. It's the same.
 3 Q. Okay. Do you remember when
 4 in September it was that you started
 5 there?
 6 A. 27th.
 7 Q. Who was your supervisor at
 8 Labor Ready?
 9 A. Lisa Giles.
 10 Q. What's her position?
 11 A. District manager.
 12 Q. Okay. Is that the only
 13 position that you have held since that
 14 time?
 15 A. Yes, sir.
 16 Q. And just to make it clear,
 17 since the time you left Ideal, the only
 18 position that you have held, the only
 19 employment that you have had, is with
 20 Labor Ready?
 21 A. Yes, sir.
 22 Q. Do you get a bonus or
 23 anything on top of that \$36,000?
 24 A. Yes, I do.

405

1 Q. What kind of bonus do you
 2 get?
 3 A. Net operating income bonus
 4 which is based on sales, aging, accounts
 5 receivables, payables.
 6 Q. And how much is that bonus?
 7 A. It could be anywhere between
 8 100 -- for me, I have had between 100 to
 9 500 -- between 100 to 400 or \$300 a
 10 month.
 11 Q. Between \$100 or \$300 a
 12 month?
 13 A. Correct.
 14 Q. Okay. What benefits do you
 15 get there?
 16 A. Uhm, first health and
 17 401(k).
 18 Q. Okay. And did you have
 19 those benefits when you worked at Ideal?
 20 A. I had the health, but not
 21 the 401(k).
 22 Q. Okay. I would like you to
 23 look at number 10 in the interrogatories.
 24 That asks you for witnesses.

<p style="text-align: right;">406</p> <p>1 Now, you have told me about 2 -- looking at your response there, you 3 told me about Jeff Ramirez; is that 4 correct? 5 A. Yes, sir. 6 Q. And Steve Folder you told me 7 about? 8 A. Yes. 9 Q. Who is Corleen? 10 A. She was the lady that I was 11 talking about that was -- I wasn't sure 12 if she was going to help me out and get 13 me the vest. 14 Q. For some reason I thought 15 the name was Coral that I had written 16 down. 17 A. And I said I'm not really 18 sure. That was my mistake. 19 Q. Do you think Corleen is 20 correct? 21 A. Yes, sir. 22 Q. That's her correct name? 23 A. More on Corleen than Coral. 24 Q. Okay. What department did</p>	<p style="text-align: right;">408</p> <p>1 what I would have covered with you, Will 2 has already done that, so if I lose you, 3 please just say to me, I don't know where 4 you are, because I just have been keeping 5 notes and then I have kind of marked off 6 on my outline the issues that I have to 7 go over with you, so I will be jumping 8 around a bit. Okay? 9 A. Yes, ma'am. 10 Q. But the same rules that we 11 went over with you this morning apply to 12 this portion of the deposition as well. 13 A. Okay. 14 Q. Okay? I talk fast, like 15 you, so if you don't -- 16 A. I will catch you. 17 Q. Okay. My first question, 18 where were you born, Mr. Hanson? 19 A. Fort Rucker, Alabama. 20 Q. So you were born in the 21 United States? 22 A. Yes, ma'am. 23 Q. Throughout the deposition 24 you talked about national origin as a</p>
<p style="text-align: right;">407</p> <p>1 you say she worked in? 2 A. Prodesk. 3 Q. Prodesk, okay. 4 Keith Dominick you told us 5 about; is that correct? 6 A. Yes. 7 Q. Buck is the one who received 8 that call that you believe came from 9 Linda Myers; is that correct? 10 A. Yes, sir. 11 Q. And Jeremy Leaman we already 12 know? 13 A. Yes. 14 MR. LEAHY: I have no 15 further questions. 16 --- 17 EXAMINATION 18 --- 19 BY MS. CLEMONS: 20 Q. Good evening. I'm Lucretia 21 Clemons and I am an attorney and I 22 represent DDP Holdings. Okay? I have a 23 few questions, and it will appear that I 24 am going to jump around because much of</p>	<p style="text-align: right;">409</p> <p>1 reason you believed that you were 2 discriminated against, or you identified 3 your national origin as Korean? 4 A. Correct. 5 Q. Why is it that you believe 6 your national origin is Korean if you 7 were born in America? 8 A. Because of my -- sorry, 9 because of my physical attributes as far 10 as looking more Asian, not necessarily 11 Korean, but Asian, as -- than I do 12 Caucasian. 13 Q. Okay. So you're equating 14 race in national origin, is that -- is 15 that how you understand the two terms to 16 be the same thing? 17 A. Yes, ma'am. 18 Q. Okay. Have you maintained a 19 personal diary or a day book, a personal 20 calendar, during the time that you worked 21 with Ideal? 22 A. Just basically the two-page, 23 uhm, Exhibit 9. 24 Q. Exhibit 9, okay.</p>

410

1 A. Yes.

2 Q. But you didn't have, for

3 instance, a date book where you wrote

4 down dates of things that were happening

5 or any -- you did not keep a personal

6 journal or diary or anything?

7 A. Just, uhm, Jeremy Leaman had

8 given me a -- a work book on the product

9 and anything that had to do with that

10 product, uhm, what I did.

11 Q. Okay.

12 A. I -- I probably -- I don't

13 know if I have every single one, but I

14 have some of -- of that documentation of

15 what I did.

16 Q. Okay. Did you give that to

17 your attorney?

18 A. No.

19 Q. Okay.

20 MS. CLEMONS: Why don't we

21 go off the record.

22 ---

23 (Whereupon, there was a

24 discussion held off the record at

411

1 this time.)

2 ---

3 MS. CLEMONS: A conversation

4 was held off the record wherein

5 Mr. Hanson and his counsel agreed

6 to produce the documents we just

7 discussed. Okay?

8 BY MS. CLEMONS:

9 Q. Have you now or previously

10 been a party to any other litigation or

11 administrative complaint, and what I mean

12 is, have you ever been to court before or

13 filed another complaint of

14 discrimination?

15 A. No, ma'am.

16 Q. What damages are you seeking

17 to recover in this lawsuit?

18 A. Uhm --

19 Q. What do you want?

20 A. Basically, uhm, back pay,

21 front pay, punitive, compensatory.

22 Q. Okay. Let me go back. Back

23 pay, you said front pay?

24 A. Front pay.

412

1 Q. What else did you say?

2 A. Punitive.

3 Q. Okay.

4 A. Compensatory.

5 Q. Okay. So why don't we start

6 with talking about what do you want back

7 pay for? Why don't you tell me what

8 you're talking about?

9 A. Just back pay on lost wages

10 just because I felt the termination was

11 unjust and just back pay on the duration

12 that I was -- I did not work for eight

13 months after I left Ideal. It took me

14 eight months to find a job, so I would be

15 talking back pay for those eight months

16 where -- where I wasn't earning income

17 for that period.

18 Q. Okay. And, so, correct me

19 if I'm wrong, in what you have termed

20 back pay you are looking for the lost

21 wages from the period of time you were

22 terminated from Ideal until you found

23 other employment?

24 A. Correct.

413

1 Q. Okay. Anything else that

2 you would term as back pay?

3 A. Overtime.

4 Q. Okay. Were you working

5 overtime while you were working with

6 Ideal?

7 A. A couple times.

8 Q. Okay. So you want whatever

9 lost wages and overtime you believe you

10 would have worked during that same period

11 of time?

12 A. Correct.

13 Q. Anything else in there?

14 A. Bonus.

15 Q. Did Ideal have a bonus

16 program that you knew about it?

17 A. Not that I knew about.

18 Q. Okay. So when you say "you

19 wanted a bonus," what do you -- was this

20 something you talked about with Jeremy

21 Leaman who was your supervisor?

22 A. Yes, ma'am.

23 Q. Why don't you tell me about

24 that conversation?

<p style="text-align: right;">414</p> <p>1 A. Uhm, he was not really -- 2 because really merchandisers don't get a 3 bonus, like he does, but the way he would 4 be able to compensate me would be 5 incremental pay raise. 6 Q. When did you have this 7 conversation, is this is a conversation 8 that you had when you first started? 9 A. I think it was about a 10 month, a month after I started. 11 Q. Okay. So tell me, to the 12 best of your recollection, what you said 13 and what he said. 14 A. I just asked him, you know, 15 like how does it work if you are 16 performing above and beyond standards? 17 Is there a bonus? He says he was not 18 really sure about that for merchandisers. 19 He gets a bonus, but as far as what he 20 could do for me it would be an 21 incremental pay raise, and he says like 22 if I continue to do what I am doing, that 23 he will see what he can do to get me a 24 pay raise.</p>	<p style="text-align: right;">416</p> <p>1 Merchandising would have led to that pay 2 increase or if it would have led to that 3 promotion, so when I talk about front 4 pay, I'm just relating it to what could 5 have been if I was still to work for 6 Ideal. 7 Q. Okay. Why don't you tell me 8 your understanding of what the structure 9 of the department you worked in at Ideal 10 was. Did you have an idea of what 11 Ideal's structure was? 12 A. Yes, ma'am. 13 Q. Okay. Tell me what that 14 was. 15 A. Ideal Merchandising would 16 just basically be doing what Lowe's 17 employees don't have the time to do and 18 that's just like focus -- like a lot of 19 Ideal Merchandising products are small 20 rough components, PVC or fuses or 21 whatever that may be in both electrical 22 and plumbing, so just doing what Lowe's 23 employees didn't have time to do, and 24 counting all the little components,</p>
<p style="text-align: right;">415</p> <p>1 Q. And did you say something in 2 response to that? 3 A. No, I just said I appreciate 4 you telling me that. That was it. 5 Q. Okay. So did he say 6 anything else after that? 7 A. No, because I didn't like 8 asking him right then and there when can 9 I get a pay raise. I just wanted to know 10 how does it work to get that -- actually, 11 I started off with bonus, but he said 12 that that doesn't really work with 13 merchandisers, but it would be an 14 incremental pay raise. 15 Q. Anything else that you 16 haven't told me about with respect to 17 back pay? 18 A. No, ma'am. 19 Q. Okay. Now, then you said 20 front pay. What do you mean by the term 21 "front pay"? 22 A. What I mean about front pay 23 is just basically not knowing what Ideal 24 would have -- I don't know if Ideal</p>	<p style="text-align: right;">417</p> <p>1 making sure they were supposed to be in 2 the -- in that location, followed by the 3 correct pricing, followed by, whether it 4 be down stocking, front-facing or 5 reordering, so just basically doing stuff 6 that really Lowe's employees didn't have 7 time to do. 8 It was tedious. I mean, 9 just the -- that's why Ideal 10 Merchandising would assign ten hours a 11 day in that one store and we would spend 12 most of the time in those two departments 13 because it takes up a lot of time to go 14 through all the inventory that Ideal 15 Merchandising had with plumbing and 16 electrical. 17 Q. I'm asking you a different 18 question, so let me ask it a different 19 way. 20 I'm asking you -- you said 21 or testified before that Jeremy Leaman 22 was your boss? 23 A. Correct. 24 Q. Do you know how many other</p>

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<p style="text-align: right;">418</p> <p>1 people reported to Jeremy Leaman?</p> <p>2 A. Not really. I do know that</p> <p>3 he had a lot of Lowe's stores.</p> <p>4 Q. Okay. And do you know what</p> <p>5 the people in those Lowe's stores were</p> <p>6 doing? Were they doing the same thing</p> <p>7 you were doing or something different?</p> <p>8 A. The same thing.</p> <p>9 Q. Okay. Do you know who</p> <p>10 Jeremy's boss was?</p> <p>11 A. No, ma'am.</p> <p>12 Q. And was there anyone else</p> <p>13 that you had responsibilities to or</p> <p>14 reported to within Ideal other than</p> <p>15 Jeremy Leaman?</p> <p>16 A. No, ma'am.</p> <p>17 Q. Is there anything else in</p> <p>18 front pay that we haven't talked about</p> <p>19 that you would term as front pay?</p> <p>20 A. No, ma'am.</p> <p>21 Q. And you said punitive</p> <p>22 damages. What do you mean by punitive</p> <p>23 damages? I'm not asking you for a legal</p> <p>24 definition. I'm just asking you what you</p>	<p style="text-align: right;">420</p> <p>1 And to answer your question</p> <p>2 about punitive, it's just basically the</p> <p>3 pain and suffering because it caused me</p> <p>4 to be depressed, and even when I was</p> <p>5 still on Paxil, I was still a little</p> <p>6 depressed. It may be mild, but here I am</p> <p>7 working and doing well and I am still</p> <p>8 taking it.</p> <p>9 Q. All right. Anything else</p> <p>10 besides what you have just told me which</p> <p>11 relates to the punitive damage issue?</p> <p>12 A. No, sir.</p> <p>13 Q. Then you said compensatory</p> <p>14 damages. Now, they mean a million</p> <p>15 different things to a million different</p> <p>16 people, which is why I'm asking you this.</p> <p>17 What do you mean by compensatory damages?</p> <p>18 MR. PRIMOS: And, again, I</p> <p>19 think you said before you're not</p> <p>20 asking for a legal definition.</p> <p>21 MS. CLEMONS: Right, I'm not</p> <p>22 asking for legal definition.</p> <p>23 MR. PRIMOS: I will just put</p> <p>24 an objection on the record that</p>
<p style="text-align: right;">419</p> <p>1 are looking for as the actual plaintiff.</p> <p>2 A. Okay.</p> <p>3 Q. When you say "punitive</p> <p>4 damages," what do you mean?</p> <p>5 A. Punitive damages is the fact</p> <p>6 that I am still taking 20 milligrams of</p> <p>7 Paxil because I'm not used to being out</p> <p>8 of work that long and the way I was --</p> <p>9 the way I was terminated just really hurt</p> <p>10 me. I mean, it just shocked me that I</p> <p>11 can be so disposable, especially starting</p> <p>12 at Lowe's and going to Ideal as my</p> <p>13 second, vending, and making that my</p> <p>14 career path, it just really just hurt me</p> <p>15 so I didn't know what to do because I</p> <p>16 couldn't get a job.</p> <p>17 All I did -- I mean, I was</p> <p>18 losing weight. All I did was sleep. I</p> <p>19 mean, and I just didn't do nothing,</p> <p>20 and -- I basically was miserable so</p> <p>21 that's why I had to go see Dr. Capiro and</p> <p>22 he prescribed Paxil and get a program,</p> <p>23 not to only be on that, but to see him on</p> <p>24 a monthly basis to do a checkup.</p>	<p style="text-align: right;">421</p> <p>1 Mr. Hanson doesn't have the</p> <p>2 ability to testify as far as a</p> <p>3 legal definition, but you can</p> <p>4 certainly answer the question.</p> <p>5 MS. CLEMONS: And absolutely</p> <p>6 and that's not what I am asking</p> <p>7 him. I'm just asking him for what</p> <p>8 he was seeking.</p> <p>9 THE WITNESS: There's a lot</p> <p>10 of definitions, but basically pre</p> <p>11 and post legal fees to pay the</p> <p>12 attorney for being here, and after</p> <p>13 here just to cover that basis for</p> <p>14 the attorney fees, and any other</p> <p>15 fees that are accrued going</p> <p>16 through court or this paperwork we</p> <p>17 go through, just to cover all</p> <p>18 these court fees that this is</p> <p>19 going to cost.</p> <p>20 MS. CLEMONS: Okay.</p> <p>21 BY MS. CLEMONS:</p> <p>22 Q. Anything else that has to</p> <p>23 deal with compensatory?</p> <p>24 A. A lot of it is just like --</p>

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1 I mean, just the validity would be hard
2 to keep track of, but a lot of it is just
3 the milage, the driving here for the
4 defamation -- deposition, driving to --
5 looking for the dozens of jobs because a
6 lot of these job interviews I had to
7 be -- to go to Wilmington, some of them
8 Rehobeth, so looking for jobs.
9 Driving to get
10 prescriptions, driving just to see my
11 doctor. A lot of driving and being
12 unemployed for those eight months,
13 driving now, being employed, going
14 through this, is also a factor.
15 Q. Is there anything else on
16 the compensatory issue?
17 A. No, ma'am.
18 Q. Okay. Now, you mentioned
19 that you were out of work for eight
20 months. How did you support yourself
21 during that time?
22 A. I had to stay at home and
23 live with my mom.
24 Q. Did you receive any income

423

1 during that time.
2 A. Unemployment.
3 Q. Do you remember what that
4 amount was that you were receiving a
5 week?
6 A. I can tell you what it was
7 at the end when I did finally get a --
8 when I finally did seek employment.
9 Q. Uh-huh.
10 A. I don't know what it -- I
11 don't remember what it was a week, but at
12 the end it was a little bit over \$8,000.
13 Q. You mean the total amount --
14 A. The total amount.
15 Q. -- you collected?
16 And did you collect the full
17 26 weeks, the entire period that you were
18 permitted to collect?
19 A. No, you know, that's amazing
20 because I didn't get an extension. I
21 mean, I don't think I got to the point
22 where I would have to ask -- I think it
23 hit it right at the tail end of getting a
24 job, because at the tail end, it would

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1 have been where I would have to ask for
2 an extension or something, but I got --
3 and the reason it was eight and not six
4 is because some of it was delayed with
5 the paperwork, some of the stubs didn't
6 get in on time as far as when I mailed it
7 and everything like that. It would delay
8 everything.
9 Q. Okay. Anything else that we
10 haven't talked about in terms of damages
11 that you want out of this lawsuit?
12 A. No, ma'am.
13 Q. Okay.
14 -- --
15 (Whereupon, Exhibit 10 was
16 marked for identification.)
17 -- --
18 BY MS. CLEMONS:
19 Q. You have just been handed
20 what's been marked as Hanson Exhibit 10.
21 Take a minute to look at it and tell me
22 if you know what this is.
23 A. Okay. I would say this is,
24 uhm -- this like is the code of conducts

425

1 policy.
2 Q. Have you ever seen this
3 before?
4 A. No, ma'am.
5 -- --
6 (Whereupon, Exhibit 11 was
7 marked for identification.)
8 -- --
9 BY MS. CLEMONS:
10 Q. Take a look at what's been
11 marked as Hanson Exhibit Number 11 and
12 tell me towards the bottom of this
13 document if that's your signature.
14 A. Yes, ma'am, it is.
15 Q. Okay. Do you remember --
16 does this refresh your recollection as to
17 what Exhibit Number 10 is?
18 A. Yes, it does.
19 Q. Okay. Now, what is Exhibit
20 Number 10?
21 A. A policy.
22 Q. Am I correct to say it's
23 Ideal Merchandising's employee handbook?
24 A. Yeah, I remember it's a

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1 small gray-colored book so -- I did get a
 2 handbook.
 3 Q. You did get a handbook?
 4 A. Yes, ma'am.
 5 Q. And do you remember if this
 6 is the handbook you got?
 7 A. Was this copied from the
 8 handbook?
 9 Q. Well, yes, it's a copy of it
 10 -- of Ideal's handbook, but I want to
 11 know if this is what you received. It
 12 may look different because it has to be
 13 copied, so if it's in a smaller form, I'm
 14 sure it was enlarged and probably looks a
 15 little skewed, but feel free to look
 16 through it and read it. I want to be
 17 sure that this is what you received and
 18 acknowledged that you received by signing
 19 Hanson Number 11.
 20 A. All I can say is I may have
 21 received this, but I don't know if it's
 22 the same thing.
 23 Q. Did you keep a copy of the
 24 handbook that you received?

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1 A. I gave to it my attorney.
 2 Q. Okay.
 3 MS. CLEMONS: Off the record
 4 again.
 5 - - -
 6 (Whereupon, there was a
 7 discussion held off the record at
 8 this time.)
 9 - - -
 10 BY MS. CLEMONS:
 11 Q. Can we agree on the record
 12 that Mr. Hanson will look to see if he
 13 has the copy of the handbook that he
 14 actually received and produce that if
 15 he's able to find it?
 16 A. On the record, I gave the
 17 one and only handbook that I had to the
 18 lawyer's office, so I don't have another
 19 one.
 20 Q. Why don't you take a look at
 21 Exhibit 10 and read it and tell me if
 22 this is -- if the content is what you
 23 read when you acknowledged you received
 24 the manual?

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1 A. (Witness complies with
 2 request.)
 3 Okay.
 4 MR. PRIMOS: I will just
 5 note for the record that I don't
 6 know if there's a missing page or
 7 lines or --
 8 MS. CLEMONS: I think it's
 9 -- no, it's the way it's copied.
 10 I think it's the form that it's
 11 in.
 12 MR. PRIMOS: Because it does
 13 -- if you go from page to page, it
 14 doesn't seem to follow the
 15 wording.
 16 For example, between the
 17 first and second page and between
 18 the fourth and fifth page, I think
 19 there's at least one line missing.
 20 MR. LEAHY: I think it may
 21 be that there's a line that's cut
 22 off.
 23 MS. CLEMONS: At the top of
 24 that one, yeah.

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1 THE WITNESS: I read most of
 2 this.
 3 BY MS. CLEMONS:
 4 Q. Is it fair to say that,
 5 whether or not that's the form of the
 6 book that you received, you received a
 7 book that gave you this, the information
 8 that is as contained in Exhibit 10?
 9 A. Yeah, I will -- I will -- I
 10 would say, like you said, whether or not
 11 it is or it isn't, I did receive a
 12 handbook and it did outline company
 13 policy. I do know that I had that in a
 14 handbook.
 15 Q. That's fair.
 16 - - -
 17 (Whereupon, Exhibit 12 was
 18 marked for identification.)
 19 - - -
 20 BY MS. CLEMONS:
 21 Q. You have just been handed
 22 what's been marked as Exhibit 12. Could
 23 you tell me if that's your signature at
 24 the bottom of Exhibit 12?

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1 A. Yes, ma'am.

2 Q. Okay. Did you read and

3 understand this document before you

4 signed it?

5 A. Well, all I can say -- I

6 mean, I'm not going to say if I read the

7 whole thing, but all I can say is this is

8 definitely my signature.

9 Q. Okay. So you're saying you

10 don't remember or recall if you read this

11 before you signed it?

12 A. Correct.

13 Q. Okay.

14 A. But that's definitely my

15 signature.

16 Q. Okay. Did you understand

17 that Ideal had a harassment policy?

18 A. No.

19 Q. You did not?

20 A. I did not.

21 Q. Okay. So why did you sign

22 this if you didn't read it, Mr. Hanson?

23 A. I don't -- I will be honest

24 with you, I don't remember even signing

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1 the -- the only -- didn't we receive

2 something else? I don't even remember

3 signing the -- the, uh --

4 Q. Number 11, Exhibit 11?

5 A. Exhibit 11. I don't

6 remember signing this. I do know these

7 are my signatures. All I can say is I

8 may have received more than one of these

9 on the same day and I probably went

10 through them. If I received three or

11 four or five of them, I will sign them

12 all, but I may have browsed through it

13 and signed it, but I can't really say I

14 read the whole thing or remember the

15 details of what I signed.

16 Q. Okay. On Exhibit 12, right

17 above your signature, what does it say?

18 A. I do hereby acknowledge that

19 I have read and understand the harassment

20 policy above.

21 Q. Okay. So are you saying

22 that you didn't do that or you just don't

23 recall doing it?

24 A. I'm not saying I don't

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1 recall doing it, but that's definitely my

2 signature, so I want to say if I signed

3 something like -- it is just like writing

4 a check or something, I want to remember,

5 A, I did sign it, but, I mean, I

6 obviously signed it. It has my name, it

7 has the date, and I just can't --

8 What you're asking me is

9 like do I remember reading everything or

10 -- most of the time I just browse through

11 and then sign, but I will verify that

12 that is my signature.

13 Q. Okay.

14 A. It does say October 2003,

15 but I don't remember signing this, but it

16 is my signature and I probably did browse

17 through all this and sign everything.

18 Q. Okay. Taking a look at both

19 Exhibit 10 and Exhibit 12, did you have

20 an opportunity to review these two

21 exhibits? Are you comfortable with

22 having reviewed them, because I want to

23 ask you some questions about it. If you

24 need time, if you want to look at them,

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1 please take the time and look at them.

2 A. Probably just Exhibit 12.

3 Q. Okay.

4 A. (Reviewing.)

5 Okay.

6 Q. Okay?

7 A. Yes.

8 Q. Looking at Exhibit 12 and

9 Exhibit 10, do either or both explain

10 what an employee of Ideal should do if

11 they feel they are being harassed or

12 discriminated against?

13 A. I see it on Exhibit 12.

14 MR. PRIMOS: You know, if

15 this will move this along, we will

16 stipulate that it indicates that

17 he's to report harassment to his

18 supervisors.

19 MS. CLEMONS: And/or the

20 human resources department?

21 MR. PRIMOS: And/or the

22 human resources department.

23 MS. CLEMONS: Okay. Fine.

24 Great. All right.

<p style="text-align: right;">434</p> <p>1 BY MS. CLEMONS:</p> <p>2 Q. Okay. Now, one of the</p> <p>3 things that you have talked about today</p> <p>4 in depth, and I am afraid because it's</p> <p>5 been a long day, but it appears to me</p> <p>6 that you gave at least some contradictory</p> <p>7 testimony on one point and I want to</p> <p>8 clear it up and it has to do with your</p> <p>9 conversations with Mr. Leaman. Okay?</p> <p>10 So I want to talk about the</p> <p>11 conversations that you had with Mr.</p> <p>12 Leaman -- well, I believe you said there</p> <p>13 were two conversations shortly after you</p> <p>14 called the customer care line --</p> <p>15 A. Correct.</p> <p>16 Q. -- about Yvette?</p> <p>17 A. Yes, ma'am.</p> <p>18 Q. Correct?</p> <p>19 A. Yes, ma'am.</p> <p>20 Q. So I would like for you to</p> <p>21 tell me about the first conversation you</p> <p>22 had with Mr. Leaman.</p> <p>23 A. The first conversation was</p> <p>24 right after I called the care line.</p>	<p style="text-align: right;">436</p> <p>1 you.</p> <p>2 He said, well, you should</p> <p>3 have called me before you called the care</p> <p>4 line.</p> <p>5 And I said, well, I didn't</p> <p>6 know that.</p> <p>7 Q. Okay. And you said I don't</p> <p>8 know that, and then he said?</p> <p>9 A. Well, he goes -- well,</p> <p>10 actually, it's what I said after that. I</p> <p>11 said, don't be surprised if you get a</p> <p>12 call from Lowe's or Yvette herself. I</p> <p>13 just wanted to let you know.</p> <p>14 Q. Okay. And he said?</p> <p>15 A. He said, well, like I</p> <p>16 appreciate you giving me feedback,</p> <p>17 something to that extent, give me</p> <p>18 feedback to let me know what's going on</p> <p>19 and he just said he will talk to me</p> <p>20 later.</p> <p>21 Q. All right. Is there -- I</p> <p>22 don't mean verbatim, but is there any</p> <p>23 other substance that happened in that</p> <p>24 conversation that you didn't just tell</p>
<p style="text-align: right;">435</p> <p>1 Q. When you say "right after,"</p> <p>2 do you mean within minutes or the same</p> <p>3 day?</p> <p>4 A. The same day, the same day.</p> <p>5 Q. Okay. Okay. And so the</p> <p>6 phone rings. He says hello. You say?</p> <p>7 A. Yeah, and I said, Jeremy, I</p> <p>8 called the care line on the store</p> <p>9 manager, Yvette.</p> <p>10 Q. And he said?</p> <p>11 A. And he goes, what happened?</p> <p>12 Well, I said, uhm, broke the</p> <p>13 straw -- I'm not going to remember</p> <p>14 verbatim, but basically that she just</p> <p>15 said, are you going to do any work today,</p> <p>16 boy, just like what's been said, and</p> <p>17 that's right, yeah, that's right, I'm</p> <p>18 talking to you, boy, and I just said I</p> <p>19 can't take it no more.</p> <p>20 Q. And what did he say in</p> <p>21 response to that?</p> <p>22 A. He goes, you know, well, you</p> <p>23 know, you should have called me.</p> <p>24 Well, I said, I am calling</p>	<p style="text-align: right;">437</p> <p>1 me?</p> <p>2 A. The substance was the next</p> <p>3 day when I talked to him. There was</p> <p>4 really no substance in this call.</p> <p>5 Q. So this was a short phone</p> <p>6 call?</p> <p>7 A. It was short, brief.</p> <p>8 Q. Okay. So then the next</p> <p>9 phone call you had with him, you said it</p> <p>10 was the next day?</p> <p>11 A. Correct, the very next day.</p> <p>12 Q. Okay. And he called you or</p> <p>13 you called him?</p> <p>14 A. He called me.</p> <p>15 Q. Okay. And the phone rings,</p> <p>16 you say hello?</p> <p>17 A. Right.</p> <p>18 Q. He says?</p> <p>19 A. He says, yeah, I just spoke</p> <p>20 with Yvette and, yeah, definitely next</p> <p>21 time, if it happens, go through me and</p> <p>22 not the care line.</p> <p>23 Q. And he said the next time it</p> <p>24 or did he talk about what the incident</p>

<p style="text-align: right;">438</p> <p>1 was or he just said the next time it 2 happened? 3 A. See, like I said, it's tough 4 to say verbatim, but the next time 5 anything -- because he could have said it 6 or anything happens, just make sure you 7 go through me first and call me first. 8 Q. Before we go on in that 9 conversation, I want to go back. 10 The only thing you told him 11 about the previous day was that she said 12 hey -- or the boy conversation? 13 A. Correct. 14 Q. So he said the next time 15 anything happens, you should go through 16 me first? 17 A. Correct. 18 Q. Then you said? 19 A. And then I said, uhm, -- 20 well, actually, this is what he said. He 21 said that Yvette wants an apology and she 22 wants you to, you know, report to her and 23 apologize. 24 Then basically I said, I'm</p>	<p style="text-align: right;">440</p> <p>1 something out. 2 He mentioned it, Jeremy 3 Leaman mentioned it, and that's one thing 4 I left out, that, you know, right after 5 he said it's basically like a he said/she 6 said, the only way you can really get 7 anything out of it is by having the 8 conversation recorded. 9 Q. Okay. 10 A. Tape recorder, by that 11 means. 12 Q. So he said something to the 13 effect of the only way that you can prove 14 this is by tape recording the 15 conversation? 16 A. Correct. 17 Q. So what did that mean to 18 you? How did you interpret that? 19 A. Well, he knew I had a tape 20 recorder because I was using it for work 21 and I told him that I wasn't going to do 22 that, and I'm just addressing what the 23 concerns was, that I wanted to get it 24 rectified.</p>
<p style="text-align: right;">439</p> <p>1 sorry, Jeremy, I can't do that. She did 2 say that and I am not going to apologize 3 for what she said. 4 Q. Okay. 5 A. Then he said, well, it is 6 just like a he said/she said right now, 7 and if that happens again or anything 8 happens again, something to that extent, 9 to like make sure you go through me first 10 and call me. 11 Q. Is there anything else 12 during that conversation that you haven't 13 told me about substantively? 14 A. Uhm, that will be it. 15 Q. I'm going to ask you some 16 questions because that's not what you 17 testified to before. You said some other 18 things, so I'm going to ask you some 19 questions about that. 20 A. Sure. 21 Q. Now, did anything -- did you 22 talk at all about a tape recorder during 23 that conversation? 24 A. Oh, yes, I did. I did leave</p>	<p style="text-align: right;">441</p> <p>1 Q. Okay. And so in response to 2 his comment to the extent of the only way 3 to prove it is to have a tape recorder, 4 you said I'm not going to do that? 5 A. That's correct. 6 Q. Okay. Do you remember what 7 he said after that? 8 A. No, because he kind of -- he 9 said it nonchalantly. I don't -- it 10 wasn't like serious to me. It's 11 nonchalant, he said/she said, and the 12 only way you can get that is with a tape 13 recorder, and we are not going to talk 14 about that. 15 And I said, yeah, it's not 16 something I'm going to, I am not going to 17 do that. 18 Then he said, if anything 19 happens or -- just go through me. And 20 that was then the end of the 21 conversation. 22 Q. Okay. Did you tell him 23 anything else about the incident that you 24 didn't tell me already?</p>

WILLIAM HANSON,

<p>442</p> <p>1 A. About the call?</p> <p>2 Q. No, about the -- about what</p> <p>3 you were complaining about. You had made</p> <p>4 a complaint to the customer care line.</p> <p>5 You called him the previous day -- and if</p> <p>6 anything that I say is incorrect, correct</p> <p>7 me.</p> <p>8 A. Okay.</p> <p>9 Q. And you said that Yvette</p> <p>10 made these comments to me?</p> <p>11 A. Correct.</p> <p>12 Q. Okay? And he said, you</p> <p>13 should have called me first, and that was</p> <p>14 pretty much the end of it, and then the</p> <p>15 next day you have this conversation where</p> <p>16 he says, I spoke to her, right?</p> <p>17 A. Correct.</p> <p>18 Q. She says she didn't say it</p> <p>19 and she wants an apology?</p> <p>20 A. Correct.</p> <p>21 Q. And he says, it's a he</p> <p>22 said/she said, and that's the only way,</p> <p>23 you know -- he makes a comment that the</p> <p>24 only way is if you have it tape recorded,</p>	<p>444</p> <p>1 And then my rebuttal to Leaman was that</p> <p>2 she did say it, she was wrong, and I am</p> <p>3 not going to apologize for her -- to her.</p> <p>4 Q. Did race or sex ever come up</p> <p>5 in that conversation?</p> <p>6 A. I told him I was being</p> <p>7 treated unfairly.</p> <p>8 Q. I understand that, but did</p> <p>9 you say -- I'm asking, did the term race</p> <p>10 or sex or national origin get used in</p> <p>11 that conversation?</p> <p>12 A. It probably did, but like I</p> <p>13 said, that was a long conversation.</p> <p>14 Q. And so are you saying you</p> <p>15 don't recall if it did come up?</p> <p>16 A. I know I -- I told him that</p> <p>17 I was being treated unfairly.</p> <p>18 Q. You remember using the term</p> <p>19 unfairly or some words to that -- and,</p> <p>20 really, I'm not trying to hamstring you</p> <p>21 here, but I just want to really try to</p> <p>22 understand what terms you used.</p> <p>23 A. I just don't want to come</p> <p>24 out and say that I said this particular</p>
<p>443</p> <p>1 and you said I'm not going to do that,</p> <p>2 and he said, if anything happens, call me</p> <p>3 first, right?</p> <p>4 A. Right.</p> <p>5 Q. Okay. Is there anything</p> <p>6 else in that -- substantively in that</p> <p>7 conversation?</p> <p>8 A. The second conversation was</p> <p>9 a long conversation.</p> <p>10 Q. Okay.</p> <p>11 A. So, I mean, I know I'm going</p> <p>12 to leave things out, just like I left out</p> <p>13 the tape recorded one, but all I can say</p> <p>14 is the second conversation was a long</p> <p>15 conversation. He said a lot. So I</p> <p>16 probably am leaving some things out.</p> <p>17 Q. Okay. Did you tell Mr.</p> <p>18 Leaman why you thought that Yvette said</p> <p>19 what she said?</p> <p>20 A. He said -- he -- he said --</p> <p>21 all I remember from the gist of that</p> <p>22 conversation was that she said to him</p> <p>23 that she didn't say any of that, she</p> <p>24 didn't say she called me boy or anything.</p>	<p>445</p> <p>1 word or that particular word because I'm</p> <p>2 trying to be as accurate as I can.</p> <p>3 All I can say is -- is that</p> <p>4 I told him that I'm not going to</p> <p>5 apologize to you, that I told her that --</p> <p>6 I told him that I was being treated</p> <p>7 unfairly and I don't know what the reason</p> <p>8 would be, and I could have said it could</p> <p>9 have been because of my gender, and I</p> <p>10 could have easily said that, but we said</p> <p>11 a lot.</p> <p>12 He said actually more than I</p> <p>13 did, but what I said was just as much</p> <p>14 and, uh, this was basically like just</p> <p>15 being unhappy with the outcome of the</p> <p>16 call. She wanted an apology and I wasn't</p> <p>17 going to give it.</p> <p>18 Q. Okay. And is it fair to say</p> <p>19 that you don't remember or recall if you</p> <p>20 said the terms race or sex or national</p> <p>21 origin or any of those things came up in</p> <p>22 the conversation?</p> <p>23 A. Yeah, I'm not comfortable</p> <p>24 with saying I said those terms, per se --</p>

<p style="text-align: right;">446</p> <p>1 Q. Okay.</p> <p>2 A. -- because there was a lot</p> <p>3 said. I do know that I said I don't feel</p> <p>4 like I'm treated fair. I know I said</p> <p>5 something to that extent, but I'm not</p> <p>6 comfortable just saying, hey, you know,</p> <p>7 it's because of this, this and that, you</p> <p>8 know.</p> <p>9 Q. So you don't remember if you</p> <p>10 told him you thought that you were being</p> <p>11 unfairly on that basis?</p> <p>12 A. I'm not comfortable saying</p> <p>13 that I did because a lot was said that</p> <p>14 night.</p> <p>15 Q. Okay. Do you know if Mr.</p> <p>16 Leaman knew what your race or national</p> <p>17 origin is?</p> <p>18 A. Yes.</p> <p>19 Q. How do you know that?</p> <p>20 A. He asked me.</p> <p>21 Q. He asked you?</p> <p>22 A. Uh-huh.</p> <p>23 Q. And told him?</p> <p>24 A. Well, I would say usually</p>	<p style="text-align: right;">448</p> <p>1 told you that she said she didn't want</p> <p>2 you working there?</p> <p>3 A. He actually got a call from</p> <p>4 Linda Myers.</p> <p>5 Q. Linda Myers, I apologize,</p> <p>6 okay.</p> <p>7 Are there any other</p> <p>8 complaints that --</p> <p>9 Did you report any other</p> <p>10 issues to Mr. Leaman that you haven't</p> <p>11 told me about?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. What was that?</p> <p>14 A. That I had trouble with</p> <p>15 Yvette when I was a vendor working for</p> <p>16 Spectrum.</p> <p>17 Q. When did you have that</p> <p>18 conversation with Mr. Leaman?</p> <p>19 A. When I met him at Middletown</p> <p>20 before I got hired.</p> <p>21 Q. Before you got hired?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Tell me about that</p> <p>24 conversation.</p>
<p style="text-align: right;">447</p> <p>1 the same thing, that I'm just half</p> <p>2 Korean.</p> <p>3 Q. Okay. Now, other than these</p> <p>4 two conversations where you reported to</p> <p>5 Mr. Leaman the incident with Yvette, the</p> <p>6 boy comment, did you ever have any other</p> <p>7 conversations or complaints that you made</p> <p>8 to Mr. Leaman or anyone else at Ideal</p> <p>9 about your treatment while you were</p> <p>10 working at the Dover Lowe's?</p> <p>11 MR. PRIMOS: Same objection</p> <p>12 as before. I believe that's been</p> <p>13 asked and answered, but you can</p> <p>14 answer.</p> <p>15 THE WITNESS: Well, it's a</p> <p>16 -- basically, the first day, as I</p> <p>17 mentioned, the first day I almost</p> <p>18 didn't get hired.</p> <p>19 MS. CLEMONS: Okay.</p> <p>20 BY MS. CLEMONS:</p> <p>21 Q. So you covered that</p> <p>22 thoroughly, the first-day conversation</p> <p>23 wherein we are talking about you saying</p> <p>24 Mr. Leaman got a call from Yvette and he</p>	<p style="text-align: right;">449</p> <p>1 A. Well, I just told him that,</p> <p>2 you know -- I just said Yvette, like</p> <p>3 she's the store manager in Dover, as you</p> <p>4 already know, and I had problems with her</p> <p>5 when I was a vendor before. Is this</p> <p>6 going to be a problem with me -- you</p> <p>7 know, with me doing my job?</p> <p>8 He basically just said,</p> <p>9 don't worry about it, you know, basically</p> <p>10 deal directly through me, and if you deal</p> <p>11 with anybody, it will be the department</p> <p>12 managers because they are the ones that</p> <p>13 know what's going on in the department</p> <p>14 and they are the ones that will sign you</p> <p>15 out on your PDA.</p> <p>16 Q. Did you explain to him what</p> <p>17 your problems were with Yvette?</p> <p>18 A. Just not getting any</p> <p>19 cooperation, uhm --</p> <p>20 Q. Is this what you told him?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Go ahead.</p> <p>23 A. Basically just not getting</p> <p>24 any cooperation and, uhm, just had --</p>

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1 just it was very difficult for me to deal
2 with Yvette.

3 Q. Okay. Well, did you give
4 him any specific examples, or was it kind
5 of she's not cooperating with me, you
6 know, the things you just said?

7 A. No, I didn't go into details
8 with him. I just said -- I just
9 mentioned that -- briefly that, you know,
10 this is it, and, this is the story and
11 basically it is hard for me to deal with
12 Yvette on a -- on a business level.

13 Q. Okay. Are there any other
14 conversations that you had with Mr.
15 Leaman about anything that you
16 experienced at the Dover store?

17 A. No, ma'am.

18 Q. Did you ever complain to Mr.
19 Leaman about Carlos Vazquez?

20 A. No, ma'am.

21 Q. Now, I understand that you
22 previously testified that Mr. Leaman is
23 the one who called you and told you that
24 your employment was terminated with

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1 Ideal?

2 A. Correct.

3 Q. Did he tell you who made the
4 decision within Ideal to terminate your
5 employment?

6 A. Who made the decision within
7 Ideal?

8 Q. Yes.

9 A. No, ma'am.

10 Q. Okay. Did anyone ever tell
11 you who decided to terminate you within
12 Ideal?

13 A. No, ma'am.

14 Q. And I promise I won't
15 torture you much longer, but I want to
16 kind of pick up with the same thing I did
17 with other calls you had with Jeremy
18 Leaman about this last call.

19 The phone rings. It's
20 Sunday afternoon. You said hello. And
21 he says?

22 A. He just said, uhm, man -- I
23 mean, I remember the conversation, but
24 what he said -- I mean, it's not like he

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1 said you are terminated right off the
2 bat.

3 He caught me off guard that
4 he called me on Sunday. I don't usually
5 get a call on a Sunday from him, just
6 basically, uhm, uhm, you know -- that's
7 probably why I get called twice, because
8 I asked him to check into a -- just
9 basically like what's going on in the
10 Dover store. I'm understanding that, you
11 know, they don't want you back in the
12 Dover store.

13 I said -- I said, why, what
14 happened? Uhm, like who said that?

15 He said Linda Myers. He --
16 he was hesitant, but he did say the name.
17 He did tell me that it was Linda who said
18 that to him.

19 Q. He said what's going on
20 basically, I am getting some reports,
21 Linda Myers doesn't want you back to the
22 Dover store?

23 A. That's correct.

24 Q. And so then you said in

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1 response to that?

2 A. Well, what I said -- I like
3 to -- like I made a statement earlier
4 that I would like to, uhm, change because
5 what I said after that was -- I was
6 talking about whether or not I could
7 still work in Middletown, but that's not
8 -- I did say that, but I didn't say that
9 after he said I can go back to the Dover
10 store. What I asked him was the reason,
11 so I did make a mistake earlier on that.

12 Q. That's okay.

13 A. Yeah, so he just said, you
14 know, there's conversations recorded.
15 And I told him, you know, I have a tape
16 recorder and you know what I use it for.
17 I said, that's nonsense. Can you please
18 call back? Yvette has the final call on
19 that, and I don't know, I don't have a
20 rapport with Yvette, but I just wanted to
21 just -- just for him to get at least it
22 from her, you know.

23 Q. So I'm going to just back
24 you up a little bit.